

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL L LUCKERT,
Plaintiff,

v.

GUTIERREZ,
Defendant.

Case No. [19-cv-08204-PJH](#)

ORDER

Plaintiff, a former county detainee, proceeds with a pro se civil rights complaint under 42 U.S.C. § 1983. The court granted in part and denied in part defendants' motion for summary judgment and the case proceeds against one defendant. The parties participated in a settlement conference, but the case did not settle. On February 28, 2023, the court referred this case to the Federal Pro Bono Project in an attempt to find volunteer counsel for plaintiff because this case will proceed to trial.

On March 8, 2023, mail sent to plaintiff was returned as undeliverable. Plaintiff has not updated the court with a current address. Defendants previously filed a motion to dismiss for failure to prosecute that the court denied without prejudice. The court noted that plaintiff has not been cooperating with defense counsel and was not prosecuting the case. However, the court considered plaintiff's situation that he was suffering from homelessness and appeared to be frequently admitted and released from county jail. While plaintiff is allowed some leeway, he still must participate in this case, especially if it will proceed to trial.

1 Plaintiff must update the court with a current address by **June 7, 2023**. Failure to
2 comply with court orders will result in the dismissal of this case. The clerk shall send this
3 order to plaintiff's address of record and to 391 Ellis St., San Francisco, CA 94102.

4 **IT IS SO ORDERED.**

5 Dated: May 23, 2023

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7 /s/ Phyllis J. Hamilton

8 PHYLLIS J. HAMILTON
9 United States District Judge
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United States District Court
Northern District of California